

FILED - USDC -NH
2024 MAY 23 AM 11:39

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Naseef Bryan Jr.
department
Brian masker

Plaintiff(s)

v.

COMPLAINT

Merrimack Police
department
Brian masker

Defendant(s)

Parties to this Complaint

Plaintiff(s)'s Name, Address and Phone Number

Naseef Bryan Jr.
1000, ELM street
Manchester NH
03105 P.O. 515
603-333-7756

Defendant(s)'s Name, Address and Phone Number

Merrimack police department
31 Baboosic Lake Road
Merrimack NH 03054
603-424-2425

Affidavit¹ Of Naseef Fernando Bryan

I Naseef Fernando Bryan, Affiant, being of lawful age, qualified and competent to testify to and having firsthand knowledge of the following facts to hereby swear that the following facts are true, correct and not misleading:

Upon being charged for criminal threatening class B felony with sentence periods of three and a half to seven years with fines up to 4000\$ and seizure of my legal firearm². arrested by the Merrimack P.D., on grounds that I threaten other individuals without sufficient evidence of such threat is libelous, and defamation of character. To agree with one person's statement without proof of his action is partial and not just according to law. Having a legal firearm is a constitutional right secured by the United States, to arrest a person on grounds of having possession of a legal firearm is a violation of the 2nd and 14th Amendment³. Where defendant failed to prove my action against him that caused "Fear" should be considered "hearsay" since it was recorded in the State "affidavit" that he followed my vehicle until arrest was made proved that such claim of "fear" is contrary to his action. Common sense in this circumstance requires a person to think logically and human instinct when in fear is to depart from the condition or area, and proceed towards safety, in this cause the defendant aggravated the situation when he exits his vehicle to approach mine. Upon seeing a legal pistol for the defense of my person he went back to his vehicle and proceed following me. No shots were fired, no one hurt, nor did I leave my position. So, all charges should be unconstitutional. The only harm done in this situation is my reputation. The Sate officer needs to provide proof that he did read me my Miranda Rights before arrest or after, without such evidence this arrest infringed the 2nd, 4th and 14 amendment of the United States Constitution⁴. After bail I was unable to work, lost my apartment, vehicle, and had to move outside the state because of the damage to my reputation. The court should take notice that the Right to counsel⁵ which was not granted by the court upon deposition placing me out of the protection of the law.

¹ Affidavit- An affidavit is a sworn statement a person makes before a notary or officer of the court outside of the court asserting that certain facts are true to the best of that person's knowledge.

² People v. Zerillo, 219 Mich. 635. (the legislature cannot, under the guise of protection of game, disarm any class falling withing the constitutional guaranty of the right to bear arms in defense of themselves).

³ People v. Zerillo, 219 Mich. 635.

⁴ 11 Am. Jur. Constitutional Law, §309.

⁵ 14 Am. Jur. Criminal Law, §172; Amendment VI, XIV.

My signature will be my seal.

FURTHER THE AFFIANT SAYETH NAUGHT.

(Without Prejudice UCC 1-308) on this 23rd day of the May month of 2024 before me, the subscriber, personally appeared Naseef Bryan to me known to be the living man describe in and who executed the foregoing instrument and sworn before me that he executed the same as his free will act and deed.

N. Bryan

Seal

Jurisdiction and Venue:

(Explain why your case is being filed in federal court and why the court is legally permitted to hear your case. Add additional sheets as necessary.)

Jurisdiction: Law
18 U.S. Code § 3282.

Statement of Claim:

(As briefly as possible, state each claim you have against defendant(s) and state the legal cause of action, facts, and circumstances that gave rise to your claim(s). Add additional sheets as necessary.)

See attached.

UNITED STATES DISTRICT COURT DISTRICT OF NEW HAMPSHIRE

Naseef Bryan Jr.,

v.

Merrimack Police Department

Date: 5/22/2024

Jurisdiction: Common Law

Complaint

Libel is a malicious publication, expressed either in printing or writing, or by signs and pictures, tending either to blacken the memory of one who is dead, or the reputation of one who is alive, and expose him to public hatred, contempt, or ridicule.¹ To be libelous it is essential that the matter be published by writing, printing, picture, resemblance, or otherwise in accordance with the common-law or statutory definition of libel which obtains in the particular jurisdiction.² To render a defamatory statement actionable, it is not necessary that the charge be made in a direct, positive, and open manner.³ It is not libelous to charge a person with doing a thing which he may legally and properly do. It may, however, be libelous to charge one with doing that which he may legally, although not properly, do, if as a result of such charge he is exposed to public hatred, contempt, ridicule, or Censorious speech.⁴ A false publication charging that one has been arrested for crime appears to be governed by the same principles as deliberate accusations of crime, and hence is libelous per se.⁵

¹ Smith v. Lyons, 142 La 975, 77 So 896, LRA1918E 1.

² Collins v. Oklahoma state hospital, 76 okla 229, 184 p 946, 7 ALR 895.

³ Springer v. Swift, 59 SD 208, 239 NW 171, 78 ALR 1171.

⁴ Dusabek v. Martz, 1926 OK 431.

⁵ Hanson v. Krehbiel, 68 Kan. 670.

UNITED STATES DISTRICT COURT DISTRICT OF NEW HAMPSHIRE

⁶Limitation of Action

When equity courts act in agreement or conformity to the statutes of limitation, they normally adopt the exceptions in favor of the usual disabilities.⁷ Although courts of equity will ordinarily act in obedience to or in agreement to the statute of limitations, they have the power to interfere in actions at Law to prevent the interposition of the statute as a defense where it would be inequitable and unjust.⁸

⁹Courts of Record

Courts of Record are those proceeding according to the common law, the judgments of which may be revised by writ of error and the proceedings and judgments of which import absolute verity and, until reversed, protect all who obey them.¹⁰

⁶ A tort consists of 'a breach of duty which gives a private law right to the party injured to recover compensatory damages at common law from the party causing the injury' (SAAMCO). In the event that you have an action founded on a tort, the limitation period will be six years from the date on which the cause of action accrued (LA 1980, s 2).
[https://www.lexisnexis.co.uk/legal/guidance/limitation-tort-claims#:~:text=In%20the%20event%20that%20you,LA%201980%2C%20s%202\);](https://www.lexisnexis.co.uk/legal/guidance/limitation-tort-claims#:~:text=In%20the%20event%20that%20you,LA%201980%2C%20s%202);) 18 U.S. Code § 3282 - Offenses not capital, (a), (2).

⁷ Perkins v. Cartmell, 4 Del. 270.

⁸ Weiner v. Kelly (Fla) 82 So 2d 155 (injunction to restrain state officers from testifying against plaintiffs in United States court and to restrain sheriff from turning over to federal authorities contraband evidence secured from search warrant that was later quashed, denied).

⁹ 14 Am. Jur. Courts, §7.

¹⁰ Fox v. Hoyt, 12 Conn. 491, 31 Am. Dec. 760.

UNITED STATES DISTRICT COURT DISTRICT OF NEW HAMPSHIRE

Common Law

Common Law as defined by Kent includes those principles, usages, and rules of action applicable to the government and security of persons and property which do not rest for their authority upon any express or positive statute or other written declaration, but upon statements of principles found in the decisions of the courts.¹¹ It embraces that great body of unwritten law founded upon general custom, usage, or common consent, and based upon natural justice or reason.¹²

Constitutional Oath of Judges

The judges of State courts are required by an act of congress to take an oath to support the Constitution of the United States. A judge does not, by taking an oath to support the state constitution, absolve himself from the duty of upholding the Federal Constitution if it conflicts with the constitution of the state.¹³

State court judges are bound by their oaths to support the Federal Constitution and laws made in pursuance thereof, and duty rests upon them equally with the federal courts to guard, enforce, and protect every right granted or secured thereby.¹⁴

¹¹ Moore v. United States, 91 U.S. 270.

¹² State ex rel. Minneapolis v. St. Paul, M. & M. R. Co., 98 Minn. 380.

¹³ People V Western U. Tel. Co. 70 Colo 90, 198 P 146, 15 ALR 326.

¹⁴ Robb v Connolly, 111 US 624, 28 L Ed 542, 4 S Ct 544.

UNITED STATES DISTRICT COURT DISTRICT OF NEW HAMPSHIRE

Affidavits by Agent or Attorney

Under many circumstances, it is proper, and even necessary, that an affidavit be made by an agent or attorney. The power of the affidavit of such person may be determined by the provisions of a statute, the inability of the party himself to make the affidavit, or the knowledge of the agent as to the party himself to make the affidavit. It is quite apparent that a corporation is incapable of taking an oath except through some individual acting in its behalf—that is, through its officers or agent.¹⁵

¹⁶**Municipal Corporations**

Municipal corporations are bodies politic and corporate, created not only as local units of local self-government, but as governmental agencies of the State. They are involuntary political or civil subdivisions of the State created as agents of the State to aid in the administration of government.¹⁷

Evidence

Legal evidence is not limited to the oral testimony of witnesses, personally cognizant of the facts, given in open court. Proof may be produced in the form of documentary evidence, such as public records, private writings, books of account, and other documents, ect., or by the introduction of objects and exhibits.¹⁸

¹⁵ 1 Am. Jur. Affidavits, §5. §6. Note 16. P. 937.

¹⁶ 37 Am. Jur. Municipal Corporations, §4.

¹⁷ A municipal corporation is a local and inferior government created by the sovereign authority of a state primarily to regulate and administer the local and internal affairs of a city or town, in contradistinction to those matters which are common to and concern the people at large of a state. *Wallace v. Richmond*, 94 Va 204, 26 SE 586, 36 LRA 554.

¹⁸ 20 Am. Jur. Evidence, §4.

UNITED STATES DISTRICT COURT DISTRICT OF NEW HAMPSHIRE

Searches And Seizures

Commenting in general terms on the question of what constitutes a “seizure” of a person subject to the restrictions of the Federal Constitution’s Fourth Amendment, the United States Supreme Court has indicated that the term refers to a meaningful interference with an individual’s freedom of movement, and that a seizure occurs only when there is a willful government termination of an individual’s freedom of movement through means intentionally applied.¹⁹ When the people of this country founded the various States and the nation, sooner or later they provided in the constitutions thereof that the people should be secure in their persons, houses, papers, and effects against unreasonable search and seizure.²⁰ The principle is fundamental that constitutional provisions should receive a liberal interpretation in favor of the citizen, especially in regards to those matters designed to safeguard his/her liberty and security as to both person and property.²¹

¹⁹ Dunaway v. New York 442 US 200, 60 L Ed 2d 824, 99 S Ct 2248.

²⁰ State ex rel. American mfg. co. v. Anderson, 270 mo 533, 194 SW 268, LRA1917E 833.

²¹ 11 Am. Jur. 670, Constitutional Law, §59,60.

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS

SUPERIOR COURT

State of New Hampshire

v.

(Defendant)

I, Brian Masker, a certified police officer in the State of New Hampshire, being duly sworn, set forth below facts establishing that Naseef Bryan_05/04/1991 (the "Defendant") has committed the felony offenses(s) of Criminal Threatening contrary to RSA _631:4:

1. On Tuesday, May 21, 2019, approximately 1913PM, units were dispatched to Route 101A in regards to a road rage incident where a handgun was displayed. The complainant

Gilbert Robinson
09/05/1967
102 Route 101A
Amherst, NH
(603)490-8318

advised that they were now in Amherst, on Route 101A, and he was following the vehicle with the driver that pointed a handgun at him. The vehicle he was following was bearing NH registration

4547536
2012 Subaru Impreza 4dsed red *Reposition of car*

Amherst Police were also notified. The caller was providing updated locations of the suspect vehicle. Eventually, Amherst Police and Sgt. Gudzinowicz located the vehicle and initiated a traffic stop on Route 101A, in Amherst. The driver was taken into custody. I responded to the scene.

The driver was identified as

Naseef Bryan
05/04/1991
17 Rimmon Street #2
Manchester, NH
(603)820-1527

Amherst Police and Sgt. Gudzinowicz did seize a handgun from Bryan. The handgun was in his waistband when he exited the vehicle.

I arrived on scene and spoke with the complainant, who was also on scene. Gilbert Robinson explained that he was traveling west on Continental Boulevard when Bryan's vehicle came up behind his at a high rate of speed. As they continued west, Bryan's vehicle followed too close to Robinson's vehicle. As Robinson reached the intersection with Route 101A, he intended to take a right turn, onto 101A westbound. Robinson stopped at the intersection and Bryan's vehicle was still behind him. Robinson exited his vehicle to speak with the other driver and ask him why he was following so close to his vehicle. As Robinson approached the drivers side of the other vehicle, he observed the black male driver retrieve a silver handgun from the center console. The driver pointed the handgun at him through the windshield. Robinson went back to his vehicle and drove off, onto 101A westbound. In the area of Home Depot, the other vehicle passed by him and his wife

Heidi Robinson
10/19/1971
102 Route 101A
Amherst, NH

called 911. They continued to follow the vehicle until it was stopped by the police. Robinson advised that he was in fear for his safety when the handgun was pointed at him and he wanted to pursue charges.

The incident occurred in Merrimack and Amherst Police had no charges against Bryan. I removed the Amherst officer's handcuffs from Bryan and placed my own handcuffs on him (double-locked and checked for tightness). I placed Bryan into my cruiser and transported him to the station for booking.

Sgt. Gudzinowicz remained on scene and obtained statements from Gilbert Robinson and his wife. Sgt. Gudzinowicz had also seized the handgun, a 9mm Taurus. Amherst Police towed Bryan's vehicle and conducted a tow inventory. The vehicle was removed by Kinney Towing.

Upon arrival to the station, Bryan was escorted into booking. He was booked, bailed and released with a court date of June 06, 2019, 1300PM, at Hillsborough Superior Court Nashua. He was charged with Criminal Threatening (Felony B). I read Bryan his Miranda Rights and he declined to speak with me.

Sgt. Gudzinowicz entered the handgun into evidence.

05/21/2019
Date

[Signature]
Affiant

Subscribed and sworn to before me this 21st day of May, 2019.

[Signature]
Justice of the Peace

Having reviewed the facts contained in this Affidavit, the Court makes a finding that probable cause exists/ ~~does not exist~~, to believe that the above named Defendant has committed the felony offense(s) listed here.

So Ordered.

6/6/19
Date

[Signature]
Signature of Judge

Charles S. Temple
~~Presiding Justice~~
Printed Name of Judge

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Southern District
30 Spring Street
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE OF DISPOSITIONAL CONFERENCE

File Copy

Case Name: **State v. Naseef F Bryan**
Case Number: **226-2019-CR-00442**

The above referenced case(s) has/have been scheduled for: **Dispositional Conference**

Charge ID	Statute	Description
1628163C	631:4	Criminal Threatening
Date: August 07, 2019	30 Spring Street	
Time: 9:00 AM	Nashua NH 03060	
Time Allotted: 5 Minutes	Location:	

FAILURE OF DEFENDANT TO APPEAR OR PROPERLY OBTAIN A CONTINUANCE FROM THE COURT MAY RESULT IN AN ORDER FOR YOUR ARREST.

FAILURE TO APPEAR MAY RESULT IN THE IMPOSITION OF A \$50 ADMINISTRATIVE PROCESSING FEE.

Parties should come prepared to discuss outstanding issues in the case, including discovery, potential motions and resolution of the case by plea or trial. If the case will proceed as a trial, counsel should be prepared to set or confirm the trial date.

Multiple cases are scheduled during this session. Please notify the court immediately if the hearing is expected to last longer than the allotted time.

If you will need an interpreter or other accommodations for this hearing, please contact the court immediately.

Please be advised (and/or advise clients, witnesses, and others) that it is a Class B felony to carry a firearm or other deadly weapon as defined in RSA 625.11, V in a courtroom or area used by a court.

BY ORDER OF THE COURT

June 07, 2019

Marshall A. Buttrick
Clerk of Court

(565)

C: Hillsborough County Attorney's Office; Naseef F Bryan; Catherine M. Devine, ESQ

D.O.B. 05/04/1991

MKPD# 645476

Cir. Ct. #

(1628163c)

Sup. Ct. # 226-2019-CR-00442

(1628163c)

RSA Ch. 631:4, I(a); 625:11, V

Criminal Threatening - deadly weapon

Class B Felony

3 ½ to 7 years; \$4000

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.

SUPERIOR COURT

INDICTMENT

At the Superior Court, holden at Nashua, within and for the County of Hillsborough aforesaid, in the month of July in the year Two Thousand Nineteen the **GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE**, on their oath, present that

NASEEF BRYAN
17 RIMMON ST, APT 2
MANCHESTER, NH 03102

on or about the 21st day of May 2019, at Merrimack in the County of Hillsborough, aforesaid, did commit the crime of **CRIMINAL THREATENING** in that by physical conduct, he purposely attempted to place another in fear of imminent bodily injury by pointing a handgun at G.R., said handgun being a deadly weapon as then and there used, contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.


This is a true bill.

Date

Foreperson

Michael Conlon
Hillsborough County Attorney

by:


Catherine M. Devine #629
Assistant County Attorney

NO TRUE BILL


Daniel Hase
Grand Jury Foreperson

Date: 7/16/19

RECEIVED FILE

226 2019 CR 442 The State of New Hampshire
 442 SUPERIOR COURT COMPLAINT

Case Number: 645476

Charge ID: 16281634

<input type="checkbox"/> VIOLATION	MISDEMEANOR	<input type="checkbox"/> CLASS A	<input type="checkbox"/> CLASS B	<input type="checkbox"/> UNCLASSIFIED (non-person)
	FELONY	<input type="checkbox"/> CLASS A	<input checked="" type="checkbox"/> CLASS B	<input type="checkbox"/> UNCLASSIFIED (non-person)

You are to appear at the: Hillsborough County Superior Court - Southern District

Address: 30 Spring Street

in: Nashua, NH 03060

at: 1 PM

on: JUN 06 2019

Under penalty of law to answer to a complaint charging you with the following offense:

THE UNDERSIGNED COMPLAINS THAT:

BRYAN _____ NASEEF _____ F _____
 Last Name First Name Middle

17 RIMMON _____ ST Apt:2 _____ MANCHESTER _____ NH _____ 03102 _____
 Address State Zip

M _____ B _____ 508 _____ 129 _____ BRN _____ BLK _____
 Sex Race Height Weight Eye Color Hair Color

05/04/1991 _____ NHL14291874 _____ NH _____
 DOB License # OP License State

☐ COMM. VEH.☐ COMM. DR. LIC.☐ HAZ. MAT.☐ 16+PASSENGER

AT: MERRIMACK Hillsborough County

On or about 05/21/2019 at 07:13 PM

in the above county and state, did commit the offense of:

RSA Name: CRIMINAL THREATENING

Contrary to RSA: 631:4

Inchoate:

(Sentence Enhancer): N/A

And the laws of New Hampshire for which the defendant should be held to answer, in that:

Maximum Penalty: 3 1/2 - 7 years, 500 fine

COMMIT THE CRIME OF CRIMINAL THREATENING IN THAT WITH A PURPOSE TO PLACE GILBERT

ROBINSON IN FEAR OF IMMINENT BODILY INJURY BY POINTING A HANDGUN, A DEADLY WEAPON, AT

GILBERT ROBINSON, THIS BEING A FELONY CLASS B

against the peace and dignity of the State.

☐ Additional Allegations Attached?

Date

5/31/2019

Brenda Hampton #1541 Brett J. Temple
 Prosecutor's Signature NH Bar ID # Printed Name

Hillsborough County Attorney
 Prosecuting Attorney's Office

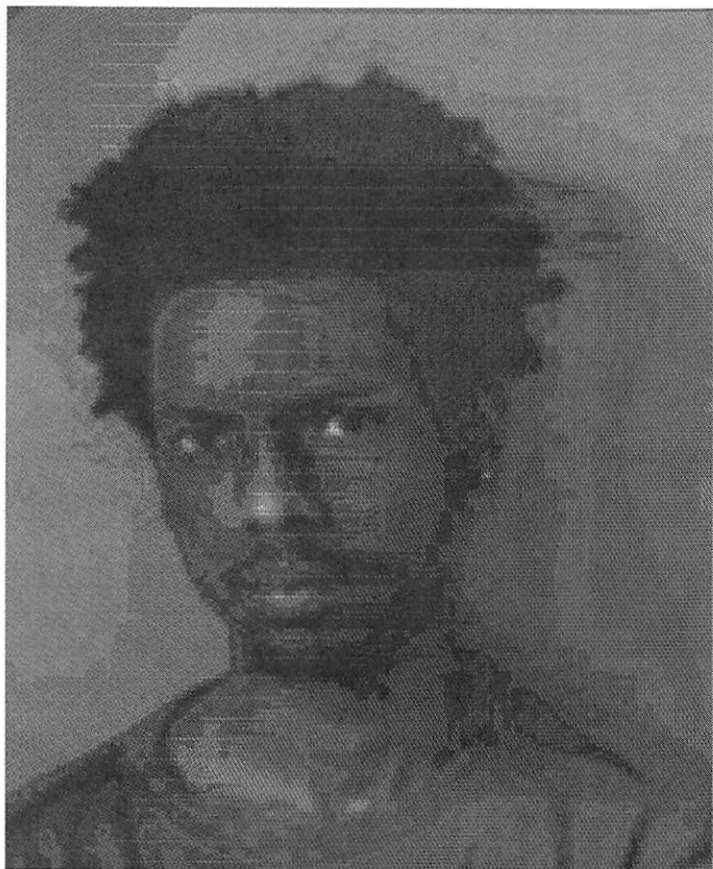
https://www.unionleader.com/news/crime/manchester-man-charged-with-felony-road-rage-incident/article_8ac483fc-4452-533e-a781-4816f047b2b3.html

Manchester man charged with felony road rage incident

Staff Report
May 24, 2019

MERRIMACK — A Manchester man faces a felony criminal threatening charge after local police said he pointed a gun at another driver following a road rage incident Tuesday night.

Naseef Bryan, 28, 17 Rimmon St., Apt. 2, was released on personal recognizance bond.



NASEEF BRYAN

Courtesy Photo

Merrimack police went to Route 101A following the reported incident at 7:13 p.m. Tuesday and officers obtained a description of the driver, car and handgun.

Bryan was pulled over a short time later in Amherst and arrested.

He faces an arraignment June 6 in Hillsborough County Superior Court, police said.

Kevin Landrigan

senior reporter

Relief Requested from the Court:

(Briefly state exactly what you want the Court to do for you. Add additional sheets as necessary.)

Rule 57. Declaratory Judgment
28 U.S. Code § 2201 (a)

Jury Demand

☐ Check this box if you are requesting a jury trial (if you want a jury of your peers to decide your case).

☒ Check this box if you are NOT requesting a jury trial (if you want the assigned judge to decide your case).

Date: 5/23/2024

Signature: M. Bryan